

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (FM)  
ECF Case

This document relates to:

*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(FM)

JAMES P. KREINDLER, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Ashton* plaintiffs in the above-captioned litigation and I submit this declaration in support of the motion for final judgment on behalf of the individual claimants listed in Exhibit A, attached hereto, and for permission to allow any remaining *Ashton* plaintiffs to move for the same relief in separate stages.

2. The source of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter for the past 16 years; my firm's representation of the *Ashton* claimants listed in Exhibit A in connection with the September 11<sup>th</sup> litigation against airline defendants; communications directly from family members of the individuals killed in the attacks on September 11<sup>th</sup> and the claimants listed in Exhibit A; and other court records relating to the multi-district litigation to which the *Ashton* plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. All of the decedents listed in Exhibit A died in the September 11<sup>th</sup> terrorist attacks and are survived by the family members whose relationships to the decedents are described in Exhibit A and detailed with particularity in the accompanying affidavits, attached hereto as Exhibit B, Nos. 1-25. These relationships have been personally verified by attorneys and paralegals in my office who have obtained written documentation and/or conducted interviews

confirming the relationships.

4. In support of their entitlement to solatium damages, the claimants have affirmed the details of their relationships to their respective decedents in the following declarations, attached hereto as Exhibit B, Nos. B1-B25:

- B-1. Declaration of Crystal Barkow, stepchild of Colleen Barkow, decedent.
- B-2. Declaration of Kayla Barkow, stepchild of Colleen Barkow, decedent.
- B-3. Declaration of John M. Leinung, stepparent of Paul Battaglia, decedent.
- B-4. Declaration of Anthony D. DeNiro, stepchild of Peter J. Carroll, decedent.
- B-5. Declaration of Dana Ann DeNiro, stepchild of Peter J. Carroll, decedent.
- B-6. Declaration of Joseph Walsh, stepchild of Carol Flyzik, decedent.
- B-7. Declaration of Kevin Walsh, stepchild of Carol Flyzik, decedent.
- B-8. Declaration of Kristin Walsh, stepchild of Carol Flyzik, decedent.
- B-9. Declaration of Robert Callanan, stepchild of Richard P. Gabriel, decedent.
- B-10. Declaration of J. Linzee Whittaker, stepparent of Karen E. Hagerty, decedent.
- B-11. Declaration of LaKimmie Smith, stepchild of Ronnie Lee Henderson, decedent.
- B-12. Declaration of Marshall Ross, stepchild of Ronnie Lee Henderson, decedent.
- B-13. Declaration of Gregory Rakovsky, stepchild of Eugueni Kniazev, decedent.
- B-14. Declaration of Kjell Youngren, stepchild of Robert LeBlanc, decedent.
- B-15. Declaration of Nissa Youngren, stepchild of Robert LeBlanc, decedent.
- B-16. Declaration of Liza Sloan, godchild of Jeffrey Palazzo, decedent.
- B-17. Declaration of Darcie Bailey-Scauso, stepchild of Dennis Scauso, decedent.

- B-18. Declaration of Nichole A. Scochemaro, stepchild of Kevin J. Smith, decedent.
  - B-19. Declaration of Anthony J. Viola, stepchild of Kevin J. Smith, decedent.
  - B-20. Declaration of Vincent Viola, Jr., stepchild of Kevin J. Smith, decedent.
  - B-21. Declaration of Jessica Schoenholtz Murphy, stepsibling of Alexander Steinman, decedent.
  - B-22. Declaration of Linda Steinman, stepparent of Alexander Steinman, decedent.
  - B-23. Declaration of Fern Rosenbaum, stepparent of Brooke D. Rosenbaum, decedent.
  - B-24. Declaration of Esther E. Heymann, stepparent of Honor Elizabeth Wainio, decedent.
  - B-25. Declaration of Jason Tucker, stepsibling of Brian Warner, decedent.
5. All of the relationships described in Exhibit A and detailed in Exhibit B, Nos. 1-25 are step-relationships which satisfy the framework established by the Court and sufficiently show that the claimants are eligible for solatium damages.

6. To minimize the chance of any human error, my firm has instituted a further level of quality control, during which an additional attorney has reviewed all case files and corroborated that the relationship is as stated in Exhibit A and the attached affidavits and that the claimants all survived the deaths of their loved ones on September 11, 2001.

7. We have been retained individually by the claimants listed in Exhibit A to pursue recovery for their solatium losses arising out of the deaths of their loved ones on September 11, 2001. We have verified that none of the claimants listed in Exhibit A have recovered for their solatium damages previously, nor do they have any other pending motion before this Court for compensation arising out of the September 11th attacks.

8. Accordingly, I respectfully request that this Court grant the proposed order attached hereto as Exhibit C.

Dated: July 19, 2018  
New York, NY

/s/ James P. Kreindler

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